

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ANDREW W. KILBURN,

Plaintiff,

v.

HAROLD W. CLARKE, et al.,

Defendants.

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Civil Action No. 09-10638-JLT

ORDER

March 22, 2010

TAURO, J.

After reviewing Parties' submissions, this court hereby orders that:

1. Plaintiff's Motion for Discovery and Removal of Gag Order [#29] is DENIED.

Under Fed. R. Civ. P. 26(d), no party may seek discovery before Defendants have filed responsive pleadings and the parties have conferred pursuant to Fed. R. Civ. P. 26(f).

2. Defendants' Motion to Strike Plaintiff's More Definite Statement and to Compel Plaintiff's Compliance with This Court's October 16, 2009, Order [#34] is

ALLOWED. By April 19, 2010, Plaintiff shall file an Amended Complaint that complies with Magistrate Judge Sorokin's Order on Pending Motions [#32] and the Federal Rules of Civil Procedure, requiring a short and plain statement of the claim showing that the pleader is entitled to relief without "unnecessary factual digressions, citations to case law, and (except as absolutely necessary) any

reference to attachments.”<sup>1</sup>

3. Because Plaintiff has not yet filed an Amended Complaint as required by Magistrate Judge Sorokin’s Order on Pending Motions [#32], Plaintiff’s Motion to Compel the Defendants to Answer His Complaint [#35] is DENIED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro  
United States District Judge

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<sup>1</sup>Order on Pending Motions [#32].